

REMARKS

These remarks are directed to the office action mailed March 10, 2009, setting a three month shortened statutory period for response set to expire on June 10, 2009. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Prompt reconsideration is requested in view of the above claim amendments and the following remarks. As indicated, amendments introduce no new matter. Amendment of a claim is not to be construed as a dedication to the public of any subject matter. Claims 1-32 are pending.

Claim Rejections under 35 USC § 102

Claims 1, 2, 10, 15 and 16 are rejected under 35 USC §102(e) as being anticipated by US Patent Publication No. 2004/0175010 to Allegro et al. ("Allegro").

The Examiner has referred to the Applicants arguments as set out in the previous response but has indicated that he respectfully disagrees with those arguments.

More particularly, the Examiner points to the fact that claim 1, prior to the present amendment, claimed that components of the sound in a speech frequency band are **substantially** unchanged. The Examiner asserts that "the components in the "speech frequency band" as "approximately, but not exactly, 200 Hz to 4 kHz" are "substantially unchanged" and the high frequency components of the sound in the high frequency band are manipulated" based on his interpretation of Allegro that only minor linear compression of components in the frequency band from 0 to 2 kHz.

Claim 1 has now been amended to specify that no change of the frequency of the components in the speech frequency band occurs when the frequency of the high frequency components are manipulated. This clearly distinguishes the present invention as claimed from Allegro.

In the circumstance, it is respectfully submitted that, since Allegro does not disclose each and every integer of the invention as presently claimed in claim 1, claim 1 is in an allowable format.

Since claims 2, 10, 15 and 16 depend directly or indirectly from claim 1, it is respectfully submitted that these claims are, similarly, in an allowable format.

Claim Rejections under 35 USC § 103

Claim 7 and 8 have been rejected under 35 USC §103(a) as being unpatentable over Allegro in view of US Patent Publication No. 2003/0072464 to Kates ("Kates").

As indicated above, Allegro does not disclose the feature of

leaving components of the sound in speech frequency band unchanged.

Kates does not cure this deficiency. As claims 7 and 8 depend directly or indirectly from claim 1, it is respectfully submitted that claims 7 and 8 are therefore in an allowable format and withdrawal of this rejection is respectfully requested.

Claim 11 stands rejected under 35 USC 103(a) as being unpatentable over Allegro in view of US Patent No. 5,144,675 to Killion et al. ("Killion").

As indicated above, Allegro does not disclose the feature of

leaving components of the sound in a speech frequency band unchanged.

Killion fails to cure this deficiency. As claim 11 is dependent directly or indirectly on claim 1, it is respectfully submitted that claim 11 is therefore in an allowable format and withdrawal of this rejection is respectfully requested.

Once again, it is respectfully pointed out that, although the Examiner has indicated on the cover sheet of the Office Action that claim 4 stands rejected, the Examiner has not indicated on

what basis claim 4 has been rejected. It is respectfully submitted that, since claim 4 depends from an allowable base claim, claim 4 is, similarly, in an allowable format.

Allowable Subject Matter

The Applicants note, with appreciation, the indication that claims 22-32 are allowed and that claims 3, 5, 6, 9, 12-14 and 17-21 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As a result of the amendment to claim 1, it is respectfully submitted that claims 3, 5, 6, 9, 12-14 and 17-21 are in an allowable format.

Conclusion

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 058157-014900 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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